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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,434	03/10/2004	Sang-Woo Ryu	678-1207	4444
66547	7590	07/30/2007		
THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553			EXAMINER TRAN, PABLO N	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 07/30/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/797,434

Applicant(s)

RYU ET AL.

Examiner

Pablo N. Tran

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 06/23/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Mattilla (6,810,273).

As per claim 1, Mattilla disclosed an apparatus for controlling a volume of noise in a mobile communication terminal, the apparatus comprising: a voice processor for decoding the received voice data according to a coding rate of the second mobile communication terminal and outputting the decoded voice signal at a volume variable under an external control; and a controller for setting the output volume of the voice processor to a receiving volume preset by a user, receiving information about a decoding rate corresponding to the coding rate of the voice data from the voice processor, and controlling the output volume of the voice processor according to the received information (fig. 1, fig. 6, col. 28/ln. 39-col. 29/ln. 50).

As per claims 2 and 7, Mattilla disclosed the claimed limitation (col. 24/ln. 36-50).

As per claims 3 and 8, Mattilla disclosed the claimed limitation (col. 28/ln. 39-col. 29/ln. 50).

As per claim 4, Mattilla disclosed an apparatus for controlling a volume of noise in a mobile communication terminal, the apparatus comprising: a vocoder for decoding received voice data according to a coding rate of the second mobile communication terminal and outputting the decoded voice signal at a volume variable under an external control; an amplifier for amplifying the output voice data of the vocoder; and a controller for setting the output volume of the vocoder to a receiving volume preset by a user, receiving information about a decoding rate according to the coding rate of the voice data from the vocoder, and controlling the output volume of the vocoder according to the received information (fig. 1, fig. 6, col. 28/ln. 39-col. 29/ln. 50).

As per claim 5, Mattilla disclosed an apparatus for controlling a volume of noise in a mobile communication, the apparatus comprising: a vocoder for decoding the received voice data according to a coding rate of the second mobile communication terminal and outputting the decoded voice signal at a volume variable under an external control; an amplifier for varying an amplification degree under the external control and outputting the voice signal from the vocoder at a volume corresponding to the varied amplification degree; and a controller for setting the output volume of the vocoder to a receiving volume preset by a user, receiving information about a decoding rate according to the coding rate of the voice data from the vocoder, and controlling the output volumes of the vocoder and the amplifier according to the received information (fig. 1, fig. 6, col. 28/ln. 39-col. 29/ln. 50).

As per claim 6, Mattilla the claimed limitation (fig. 1, fig. 6).

As per claim 9, Mattilla disclosed a method for controlling a volume of noise in a mobile communication, wherein determining whether the decoding rate detection signal from the vocoder indicates that the decoding rate of the voice data is a predetermined rate, and b) outputting a volume control signal to the vocoder if the decoding rate of the voice data is the predetermined rate (col. 28/ln. 39-col. 29/ln. 50).

As per claim 10, Mattilla the claimed limitation (col. 28/ln. 39-col. 29/ln. 50).

As per claim 11, Mattilla the claimed limitation (col. 28/ln. 39-col. 29/ln. 50).

As per claim 12, Mattilla the claimed limitation (col. 28/ln. 39-col. 29/ln. 50).

As per claim 13, Mattilla the claimed limitation (col. 28/ln. 39-col. 29/ln. 50).

Conclusion

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

2. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) System. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-directauspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 23, 2007

PABLO N. TRAN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to be 'P. Tran', with a long horizontal flourish extending to the right.

Art 2618